IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO. 545 OF 2007

IN

FIRST APPEAL (STAMP) NO.31118 OF 2006

IN

S.C.SUIT NO. 6734 OF 1983

Mr. Anil B. Jobanputra ... Appellant

Vs.

Mr. Suryakant B. Jobanputra ... Respondent

Mr. Ratankumar Sharma & M.M.Kondekar for the appellant.
Respondent in person.

CORAM: S.K.SHAH,J.

DATE : 9th April, 2007.

P.C.

1. This application is for condonation of delay of 18 days in filing Appeal against the order dated 28.9.2006 passed by the City Civil Bombay, in S.C. Suit No.6734 of 1983.

2. Heard the learned Counsel for the appellant as also the respondent in person.

3. The delay of 18 days is explained on the ground that the appellant was under bonafide impression that the suit was dismissed for default by the impugned order and, therefore, he had taken out Notice of Motion No. 3959 of 2006. It is thereafter he came to know that the suit was dismissed by the impugned order on the ground of nion-joinder of necessary parties. Therefore, there was delay of 18 days.

4. I have heard the respondent in person as also perused the reply filed by him. I do not find any merit in the reply. The delay of 18 days has been explained.

5. The Application is, therefore, allowed and made absolute in terms of prayer clause (a).

6. The Appeal shall be registered and proceeded in accordance with law.

(S.K.SHAH,J.)